

REMARKS

This application has been carefully reviewed in light of the Office Action dated March 14, 2005. Claims 1 and 2 to 14 are in the application, of which Claims 1, 5 and 6 are independent. Reconsideration and further examination are respectfully requested.

Applicant thanks the Examiner for his indication of allowable subject matter in each of dependent Claims 2 through 5. Based on this indication, and on the Examiner's Statement of Reasons for Allowance at page 6 of the Office Action, Claim 1 has been amended to include the substance of dependent Claim 2 (and Claim 2 has been cancelled), and Claim 5 has been rewritten in independent form. It is therefore believed that Claims 1 and 5 are fully in condition for allowance.

Claims 1 and 6 to 10 were rejected under 35 U.S.C. § 102(e) over U.S. Patent Application Publication 2004/0090658 (Takakubo '658) or U.S. Patent 6,717,705 (Takakubo '705). In addition, Claims 9 and 10 were rejected under § 103(a) over Takakubo '705 in view of Takakubo '658. In response, Claim 6 has been rewritten in independent form. This action has been taken without prejudice or disclaimer of subject matter, and without conceding the correctness of the above rejections. Accordingly, this should be viewed as a traversal of the rejection of Claim 6.

In entering the rejection of Claim 6, the Office Action took the position that the "open language in the claim does not preclude the existence of other lenses, i.e. lens 32 in the scanning optical system". Even if this position is accepted, however, it is noted that the effective dates of both Takakubo '658 and Takakubo '705 are later than the filing date

in Japan of Japan 2002-350682, from which the present application claims priority under 35 U.S.C. § 119. It is Applicant's current intention to file a sworn translation of this priority document. Following receipt of the sworn translation, the Examiner is respectfully requested to review it and to confirm that Applicant is entitled to his date. See MPEP § 201.15.

It is respectfully requested to withdraw the rejections over Takakubo '658 and Takakubo '705.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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